

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT L. SONDERFAN,
 Petitioner,
 vs
 WASHOE COUNTY, et al.,
 Respondents.

Case No. 3:06-cv-00108-LRH-RAM

ORDER

Before the court is Petitioner Robert Sonderfan's Motion for Bail Pending Decision. (Docket #3). Petitioner has asked this court for an order granting bail pending a decision on his habeas corpus petition.

Granting bail pending a decision in a habeas case is reserved for extraordinary cases involving special circumstances or a high probability of success. *See Land v. Deeds*, 878 F.2d 318 (9th Cir. 1989), *citing Aronson v. May*, 85 S.Ct. 3, 5 (1964); *Galante v. Warden*, 573 F.2d 707, 708 (2nd Cir. 1977), *See also U.S. v. Mett*, 41 F.3d 1281, 1282 (9th Cir. 1994), *Smith v. Caldwell*, 339 F.Supp. 215 (S.D.Ga. 1972), *aff'd* 458 F.2d 160 (5th Cir. 1972). Petitioner has cited the Supreme Court's decision in *Hilton v. Braunskill*, 481 U.S. 770 (1987) in support of his motion. Unlike the petitioner in *Hilton*, however, who sought release while the state's appeal of his successful habeas petition was pending, the Petitioner in this case seeks release

1 while his habeas petition is pending before this court. Petitioner's circumstances are more akin
2 to those of the Petitioners in *Land* and *Aronson*. A petitioner who has been tried, convicted
3 and sentenced by a court of law must demonstrate that "there is some circumstance making
4 [the application for bail] exceptional and deserving of special treatment in the interests of
5 justice. *Aronson*, 85 S.Ct. at 5, *citing Benson v. California*, 328 F.2d 159 (9th Cir. 1964).
6 Petitioner has failed to demonstrate that the circumstances of his case are deserving of such
7 special treatment, or that his habeas petition has a high probability of success, and his motion
8 will therefore be denied.

9 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Bail Pending
10 Decision (Docket #3) is **DENIED**.

11 DATED: July 12, 2006.



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UNITED STATES MAGISTRATE JUDGE